1 Andrew H. Wilson WILSON, RYAN & CAMPILONGO 2 235 Montgomery Street Suite 450 3 San Francisco, California 94104 (415) 391-3900 RECEIVED 4 Laurie J. Bartilson JAN 0 6 1994 5 BOWLES & MOXON 6255 Sunset Boulevard, Suite 2000 **HUB LAW OFFICES** 6 Hollywood, CA 90028 (213) 953-3360 7 Attorneys for Plaintiff and 8 Cross-Defendant CHURCH OF SCIENTOLOGY INTERNATIONAL 9 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA 11 FOR THE COUNTY OF MARIN 12 CHURCH OF SCIENTOLOGY) CASE NO. 157 680 13 INTERNATIONAL, a California not-) for-profit religious corporation;) CHURCH OF SCIENTOLOGY 14) INTERNATIONAL'S DEMURRER TO Plaintiffs,) GERALD ARMSTRONG'S CROSS-15) COMPLAINT VS. 16 GERALD ARMSTRONG; MICHAEL WALTON;) DATE: February 11, 1994 17 et al., TIME: 9:00 a.m. Defendants. DEPT: 1 18) DISCOVERY CUT-OFF: None 19 GERALD ARMSTRONG, MOTION CUT-OFF: None TRIAL DATE: None 20 Cross-Complainant, 21 VS. 22 CHURCH OF SCIENTOLOGY INTERNATIONAL, a California 23 Corporation; DAVID MISCAVIGE; DOES 1 to 100; 24 Cross-Defendants. 25 Plaintiff and cross-defendant, Church of Scientology 26 International ("the Church"), demurs to the first and only cause 27 of action in the cross-complaint of Gerald Armstrong on the 28

1 following grounds:

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The cross-complaint does not state facts sufficient to 2 1. 3 constitute a cause of action against the Church;

4 There is another action pending between the parties to 2. 5 this cross-complaint on the same cause of action as alleged in 6 the cross-complaint. That action is the cross-complaint in Case 7 No. BC 052395 in the Superior Court of Los Angeles County, and 8 the Church asks that the Court take judicial notice of that 9 action under Evidence Code Section 42(d). Certified copies of 10 the Verified Amended Cross-Complaint and the Church's Answer to 11 Verified Amended Cross-Complaint are attached to the Church's 12 concurrently filed Request for Judicial Notice as Exhibits 1 13 and 2. 14 DATED: January 4, 1994 BOWLES & MOXON 15 vitelizz

By:

Bartilson Laurie J.

Andrew H. Wilson WILSON, RYAN & CAMPILONGO

Attorneys for Plaintiff and Cross-Defendant CHURCH OF SCIENTOLOGY INTERNATIONAL

PROOF OF SERVICE

STATE OF CALIFORNIA

SS.

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COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On January 3, 1994, I served the foregoing document described as CHURCH OF SCIENTOLOGY INTERNATIONAL'S DEMURRER TO GERALD ARMSTRONG'S CROSS-COMPLAINT on interested parties in this action,

> [] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

> [X] by placing [] the original [X] true copies thereof in sealed envelopes addressed as follows:

FORD GREENE HUB Law Offices 711 Sir Francis Drake Blvd. San Anselmo, CA 94960-1949

MICHAEL WALTON 707 Fawn Drive San Anselmo, CA 94960

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on January 3, 1994 at Los Angeles, California.

[] **(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees. []** Such envelopes were hand delivered by Messenger Service

Executed on _____, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Print or Type Name

Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)